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K&L Gates LLP
618 West Riverside Avenue
Suite 300
Spokane, WA 99201-0602
T 509.624.2100 www.klgates.com

August 17, 2011

VIA ECF

Honorable Leonard D. Wexler
Long Island Federal Courthouse
944 Federal Plaza
Central Islip, NY 11722

Re: *The City of New York v. King Mountain Tobacco Company, Inc. and Delbert Wheeler, Sr.*, Civil Action 10-cv-5783 (LDW) (AKT)

Defendants' Withdrawal of June 22, 2011 Request for Oral Argument regarding
Defendants' Motion to Dismiss

Dear Judge Wexler:

On June 22, 2011, Defendants requested Oral Argument on their Motion to Dismiss filed the same day. (Document No. 29.) Defense counsel have met and conferred with Plaintiff's counsel regarding Defendants' intent to withdraw the Request for Oral Argument and Plaintiff's counsel did not object to withdrawing the Request for Oral Argument. By this letter Defendants hereby withdraw their Request for Oral Argument and request that the Motion to Dismiss be considered on papers filed. Thank you for your consideration of this request.

Very truly yours,

K&L GATES LLP

By 
Theresa L. Keyes

TLK:tjo

cc: Eric Proshanky and Aaron Bloom, Attorneys for Plaintiff (Via Email and ECF)
Honorable A. Kathleen Tomlinson - 100 Federal Plaza, P.O. Box 9014, Central Islip,
NY 11722-9014
Roger R. Crane, Jr., Esq., Counsel for Defendants